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Quarterly News

Center for Terrorism Law

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Fall 2010

# Terrorism Law Report, 2010 Fall

St. Mary's University School of Law Center for Terrorism Law

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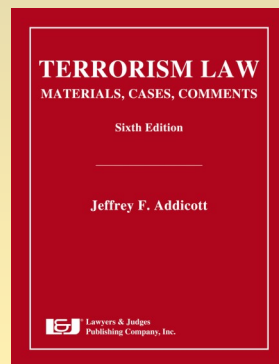
## this issue

J. Edgar Hoover Award	p.1
Welcome Research Fellows	P.2
Cyber Security & News	P.3
The Mexico Border	P.4

“...pursuit of excellence in  
educational standards.”

## 6th Edition of the Terrorism Law Casebook

The 6th Edition of ***Terrorism Law: Materials, Cases, Comments (2011)*** is now available for purchase. Printed in hardback and consisting of 561 pages the book outlines all of the major legal and policy issues associated with terrorism and the “War on Terror.” Not only do the 12 chapters cover the full range of current legal matters relating to such issues as border security, civil liberties, bioterrorism, cyberterrorism, military law, civilian contractors, military commissions, interrogation, civil litigation, and federal authorities, but each chapter has a section of question and answer topics for discussion. The book may be ordered directly from The Center for Terrorism Law (contact Faithe Campbell [fcampbell@stmarytx.edu](mailto:fcampbell@stmarytx.edu)) or from the publisher, Lawyers & Judges Publishing Co. ([sales@lawyersandjudges.com](mailto:sales@lawyersandjudges.com)).



## The J. Edgar Hoover Award

On September 18, 2010, the Society of Former Special Agents of the FBI presented the *J. Edgar Hoover Memorial Scholarship Award* to the Center for Terrorism Law. The ceremony was held at the Grand Hyatt in San Antonio, Texas, at the Society's annual conference. St. Mary's University Police Chief Paul Glowacki; Center for Terrorism Law Operations Officer, Faithe Campbell; and law student and senior Center for Terrorism Law Senior Research Fellow John Hicks were in attendance along with over 200 Society members. Professor Jeffrey Addicott accepted the award on behalf of the Center for Terrorism Law and provided remarks about the Center's goals and mission. The award also came with a \$2,500 check to support the Center for Terrorism Law. The *J. Edgar Hoover Memorial Scholarship Award* is given annually and recognizes “pursuit of excellence in educational standards.”

Housed in our state-of-the-art facility at St. Mary's University School of Law, San Antonio, Texas, the Center for Terrorism Law is a fully operational legal research center dedicated to the study of legal issues associated with both antiterrorism and counterterrorism, with particular emphasis on cyberspace and information assurance technologies.



## Welcome New & Returning Fellows

The Center for Terrorism Law welcomes back returning Research Fellows as well as welcomes the new incoming Research Fellows. Returning fellows include: Senior Research Fellows John Hicks and Justin Yarborough, Robert Gunn, Clare Pace, Ashly Reeve, and Pablo Rivera. Our incoming Research Fellows include: Nina Burkett, William Fix, Zane Frisbie, Erica Gay, Katherine Harmon, Lindsey Harris, Cagney McCormick, and Arzoo Rajani.

Starting in the Spring, Katherine Harmon will be the new Senior Research Fellow, assisted by Ashly Reeve.

The Research Fellows are already hard at work on a variety of legal projects. Research Fellows assist with research projects,

organizing and helping run symposia, writing articles, grant writing, and keeping the activities of the Center up to date through the newsletters and Terrorism Law Reports.

Those 2<sup>nd</sup> and 3<sup>rd</sup> year law students interested in becoming a Research Fellow should check the Law School newsletter, the *Witan*, early in the fall. Any additional information can be directed to: [terrorismlaw@stmarytx.edu](mailto:terrorismlaw@stmarytx.edu).

\*\*\*\*Pictured Left to Right: Top Row: John Hicks, Nathan Begley, Cagney McCormick, and Zane Frisbie. Bottom Row: Erica Gay, Lindsey Harris, Ashly Reeve, and Katherine Harmon.

## First Annual CTL Fund Drive

December 1, 2010

Founded in 2003, the Center for Terrorism Law operates solely on private donations by individuals and, when available, funded grants from government sources. Since all of the work conducted by the Center is pro bono in nature (without charge), the Center for Terrorism Law relies heavily on the generous support of concerned individuals that support our efforts. Furthermore, since the Center for Terrorism Law is a nonpartisan, non-profit academic entity [Section 501(c)(3)], all donations provided to the Center for Terrorism Law are tax deductible.

In short, we need your help in supporting our mission of examining current and potential legal issues related to terrorism in light of the challenge of achieving and maintaining a proper balance between global security and civil justice.

Finally, the Center for Terrorism Law is also part of The St. Mary's Law Fund and donations can be made through that avenue as well. We encourage any potential donors to contact the Center for Terrorism Law for more information.

## Upcoming Events

**October 6** – Association of the United States Army (AUSA). Presentation by Director Addicott. Topic: *National Security Issues in the Obama Administration*. Location: Camp Mabry, Austin, Texas.

**October 13-15** – First International Law Association Conference. Presentation by Director Addicott. Topic: *Legal Issues Associated with Cyberterrorism*. Location: Joao Pessoa, Brazil.

**October 20** – State of Texas Investigators' Training – Food and Drug Safety Unit. Presentation by Director Addicott. Topic: *Bioterrorism*. Location: Mayan Ranch, Bandera, Texas.

**October 29** – Program on Nonproliferation Policy and Law. Topic: *Issues in Nonproliferation*. Presentation by Director Addicott. Location: Georgetown University – Institute for Law, Science and Global Security, Washington, D. C.

**November 3** – Alamo Chapter Armed Forces Communications and Electronics Association; (AFCEA) Cyber Chapter. Topic: *Cyber Security Legal Issues*. Presentation by Director Addicott. Academic Panel Discussion. Location: Hyatt Regency Hill Country Resort, San Antonio, Texas.

**November 6** – Veteran's Day Run. Topic: The True Meaning of Veteran's Day in the War on Terror. Presentation by Director Addicott. Location: San Antonio, Texas.

*Continued on p.3*

# Cyber Security

## News: The Stuxnet Cyber Worm Invades Iran's Industrial Complex

by Lindsey Harris

In the summer and fall of 2010, a cyber attack apparently took place by person(s) unknown against part of Iran's industrial complex. The so-called Stuxnet virus was tailored to infect the Siemens SCADA systems which are most widely used in critical infrastructure systems. Some 30,000 computers were reportedly infected in Iran since July, including systems in Iran's Bushehr Nuclear Facility. No serious damage has occurred according to the Mahmoud Liayi, head of the regime's information technology council at the ministry of industries. "When Stuxnet is activated, the industrial automation systems start transmitting data about production lines to a main designated destination by the virus. There, the data is processed by the worm's architects and then engineer plots to attack the country," Liayi said. Various "experts" were cited in *Iran Daily* suggesting that Israel and the United States were responsible for the malware and of the "West's electronic warfare against Iran." [www.afp.com/afpcom/en?pid=copyright](http://www.afp.com/afpcom/en?pid=copyright)

## Cyber Security Legal Conference Planned for February 2010

A cyber attack can mean many things in our modern world. It can describe anything from an electronic breach of a financial institution to a full-fledged cyber attack on one or more of our nation's critical infrastructures. The greatest concern, of course, rests with protecting the critical infrastructures which include defense systems, water supply systems, transportation networks, banking systems, communication systems, etc.

Not only should the general public be aware of the potential threat that a cyber attack would bring, but the associated legal issues also demand direct attention. The Center for Terrorism Law recognizes the importance of keeping up with current developments regarding cyber security and the need to take proactive measures. As such, a **Cyber Security Legal Conference** is being planned for February 2011 at St. Mary's University, San Antonio, Texas. As the agenda comes together, the announcement of the conference will soon be made on our website, [www.stmarytx.edu/ctl](http://www.stmarytx.edu/ctl).

# The Evolution of Terrorism Law

## Holder v. Humanitarian Law Project: The Most Recent Supreme Court Decision Added to the Repertoire of Terrorism Law

*Holder v. Humanitarian Law Project*, 561 US \_\_\_\_ (2010) is the most recent Supreme Court decision dealing with the continuing debate related to increased security vs. civil liberties in the War on Terror. Decided in June of this year, *Holder* entertained a variety of constitutional objections to key provisions of the Material Support Act (making it illegal to knowingly provide support to a State Department named terrorist organization). By a 6-3 vote the Court rejected the idea that the Material Support Act was unconstitutionally vague and that it required a specific intent as opposed to just knowledge of the identity of the terror organization. The Court also rejected the plaintiff's First Amendment argument and freedom of association argument.

Although most of the lower federal court decisions prior to *Holder* were consistent with the 2010 holding, a few of the lower federal opinions had differed. With *Holder*, it is now clear that the Material Support Act, which is actually found in two federal statutes – Providing Material Support to Terrorists (18 USCA 2339A) and Providing Material Support or Resources to Designated Foreign Terrorist Organizations (18 USCA 2339B) – will continue as a primary legal tool to combat those individuals who knowingly support terrorism. Indeed, first passed under the Clinton Administration, this law is key to stopping the flow of support to terrorist organizations and draining the swamps where they breed.

## Upcoming Events

**November 8** – University of Tennessee Federalist Society. Topic: Debate on the War on Terror. Presentation by Director Addicott. Location: University of Tennessee School of Law, Knoxville, Tennessee.

**November 11** – Republican Business Women of Bexar County. Topic: *Iranian Nuclear Project – Potential Threat to National Security*. Presentation by Director Addicott. Location: San Antonio Country Club, San Antonio, Texas.

**November 16** – Austin Texas Chapter of Financial Executives International. Topic: *Terrorism Premises Liability Issues*. Presentation by Director Addicott. Location: Austin Country Club, Austin, Texas.

**November 17** – Hispanic American Police Command Officers Association (HAPCOA). Topic: *Arrest, Detention, and Interrogation Issues for Law Enforcement in the War on Terror*. Presentation by Director Addicott. Location: Trinity University, San Antonio, Texas.

**November 19** – FBI Academy. Topic: *Legal Issues for Law Enforcement in the War on Terror*. Presentation by Director Addicott. Location: Quantico, Virginia.

**November 23** – Radicalization Conference. Topic: Legal and Policy Issues in the War on Terror. Presentation by Director Addicott. Location: San Louis Obispo, California.

**November 30** – Trinity University Conference - Terrorism and Global Security 2010: Is the U.S. Winning the War? Topic: The War on Terror. Keynote Presentation by Director Addicott. Location: National Press Club, Washington, D.C.





## On The Frontline of Border Security

### Calls for a National Identity Card to Halt Illegal Immigration

One proposal to halt or slow illegal immigration is the creation of a national identity card, which is standard fare for all democratic nations in Western Europe. Proponents of this highly debated concept argue that such a card would not only stop the flow of illegal aliens into the U.S., but also prevent terrorists from entering and then operating from within America's borders. Opponents not only worry that a NIC would violate the fundamental right of privacy guaranteed by the U.S. Constitution, but cite historical abuses as well ranging from "pass laws" used to enforce slavery in the north and south prior to the War Between the States, to the murderous abuses of the Nazis toward the Jews.

*An excerpt from Professor Jeffrey Addicott's Article: Calls for a National Identity Card to Halt Illegal Immigration. Access the full text at The Center for Terrorism Law Website:*  
[www.stmarytx.edu/ctl/pdf/Identity\\_Card.pdf](http://www.stmarytx.edu/ctl/pdf/Identity_Card.pdf)

### Laredo Conference

Professor Addicott and members from the Center for Terrorism Law attended a Texas A&M International University, Border and Homeland Security Conference on September 13, 2010, in Laredo, Texas. The conference was sponsored by the Border Studies Institute at Texas A&M International University. Professor Addicott's spoke on: *Terrorism Law, Cyberterrorism and Bioterrorism – Are We Prepared?*

## JURIST Debate

On April 26, 2010, Professor Jeffrey Addicott debated Professor Susan Herman, President, American Civil Liberties Union (ACLU) at a JURIST event entitled: *Terrorism, Rights, and National Security: A Debate on the Rights and Treatment of Terrorism Suspects Held by the U.S.* The debate was held at the University of Pittsburgh School of Law, Pittsburgh, Pennsylvania, and can be seen in its entirety at: [jurist.org/dataline/2010/06/pittsburgh-terrorism-and-the-law.php](http://jurist.org/dataline/2010/06/pittsburgh-terrorism-and-the-law.php).

## TRAP Article & Conference

Senior Research Fellow John T. Hicks attended the 2nd annual Terrorism Research and Analysis Project (TRAP) Symposium in Wilmington, NC, June 14-18, 2010. TRAP is a working group sponsored by the Federal Bureau of Investigation's Behavioral Science Unit (BSU) at the FBI Academy, Quantico, VA, operating under the supervision of FBI Agent, Andrew Bringuel. TRAP is a research consortium made up of international/domestic academics and law enforcement officers. The goals of the working group are the development of practical research tools that provide a better understanding as to the cause and effects of terrorist activity and possible government response tactics to mitigate the terrorist's actions. The working group discussed the first round of completed essays, including the essay contributed by the Center for Terrorism Law; "Radical Islam's Manipulation of the Media", and discussed a trust-based security system at airports.

## The Center For Terrorism Law

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